

Thomas-Jensen Affirmation

Exhibit # 101

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

DECLARATION OF TOM RIEL

I, Tom Riel, declare as follows:

1. I am the Director of Operations at Oregon's Higher Education Coordinating Commission ("HECC"). I have been in this position for three years. Prior to serving as HECC's Director of Operations, I served as HECC's Procurement Manager. I make this declaration based on personal knowledge and records maintained by HECC in the ordinary course of its business. I would testify to the following facts if called as a witness.

2. HECC is a state commission and administrative agency whose mission is to improve equitable access to and success in higher education and workforce training for Oregonians statewide. For HECC, higher education includes the full range of postsecondary education and training beyond high school, from apprenticeships and career certificates to two- and four-year degrees and doctorates. HECC coordinates with a wide network of organizations and groups, including community colleges, universities, trade schools, workforce and business partners, training organizations, community-based organizations, secondary schools, and state policymakers. HECC administers about \$4 billion annually in funding that supports its efforts

to (1) establish methodologies for distributing public funding to support community colleges, public universities, workforce boards, and students; (2) coordinate postsecondary degrees and programs to develop academic pathways that meet the needs of students and Oregon businesses across the state; (3) administer financial aid, including scholarships, workforce training, and other programming; (4) provide strategic guidance to state leaders on Oregon higher education policy, planning, and funding; and (5) evaluate and report on the success of higher education and training efforts in attaining state higher education goals.

3. The HECC Office of Operations supports HECC's operations in budgeting, procurement, payroll, accounting, and information technology. Part of procurement is securing and managing grants and contracts, including federal grants. HECC currently administers multiple federal grants from the U.S. Department of Labor, including several under Title I of the Workforce Innovation and Opportunity Act ("WIOA"), including a youth grant, adult grant, dislocated worker grant, and Quality Jobs, Equity, Strategy and Training (QUEST) grant, as well as a State Apprenticeship Expansion, Equity and Innovation grant.

4. The WIOA Title I grants support the coordination of Oregon's public workforce system and the administration of career and training services to youths, adults, and dislocated workers in Oregon. Most of the funds HECC receives under these grants are subgranted to Oregon's nine local workforce development boards (LWDBs) across Oregon to develop and coordinate a regional approach to workforce development, and to oversee the provision of career and training services in their region. LWDBs are partnerships comprising employers, education/training providers, labor, community-based organizations, government, and others. These grants are paid by the federal government (Department of Labor) periodically on a reimbursement model. Contractors (local workforce development boards) submit draw requests

to the HECC for work performed under the grants, and then HECC submits a request to draw on the federally granted funds. For the life of these grants, the federal government has routinely released the requested grant funds within a day of HECC's draw requests. That routine practice changed last week.

5. HECC's State Apprenticeship Expansion, Equity and Innovation grant supports diversity, equity, and inclusion efforts in apprenticeship programs and the development of pre-apprenticeships and registered apprenticeships in non-traditional occupations, including those hit hardest by the pandemic. The State Apprenticeship Expansion, Equity and Innovation grant is paid by the federal government (Department of Labor) periodically on a reimbursement model. Contractors perform work required under the grants, after which they invoice HECC on a monthly basis for the work they performed, and then HECC submits a request to draw on the granted funds. The federal government has routinely released the requested grant funds within a day of HECC's draw requests. That routine practice changed last week

6. I became aware last week that the Acting Director of the Office and Management and Budget in the Executive Office of the President, Matthew J. Vaeth, issued a memorandum on January 27, 2025. That memorandum carried the subject line "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs" ("OMB Memo").

7. HECC submitted multiple draw requests last week that went unanswered and are still unanswered as of today the 4th of February. On Wednesday, January 29, HECC submitted a draw request to the Department of Labor under multiple grants for \$2,883,947.59:

Drawn Wednesday 1/29/2025 - (624)	
Award #	Amount
AA38551OE0	8,087.00
AA38551OC0	21,270.20
AA38551QH0	20,448.99
AA38551QJ0	160,249.97
AY000016IS0	99,355.36
AT000049TJ0	20,000.00
AW000041TL0	140,919.60
AP36519YC1	70,816.52
AY000070WB0	934,062.51
AT000057VX0	92,739.06
AW000092VZ0	145,798.00
AT000057400	813,727.37
AW0000924W0	356,473.01
Total	2,883,947.59

and under grant DW000012QL0 for \$151,829.77, but HECC received no reimbursement. On Thursday, January 30, HECC submitted a draw request to the Department of Labor under grant DW000012QL0 for \$38,190.09, but it received no payment.

8. Under normal circumstances, HECC would have been reimbursed already for all the amounts requested. As of close of business on Tuesday, February 4, no funds were received for the above-mentioned grants. HECC has other existing federal grants as well, some issued by the Department of Labor and others by the Department of Education, but reimbursement under those grants was timely paid.


9. The consequence to Oregon of HECC not receiving payment under its federal grants is that HECC will not be able to support the important workforce training and higher educational support work that it performs across Oregon. Not only will the contractors who are performing the work under the grant not be compensated for work they already performed, but

also their work will be discontinued and the Oregonians that they serve across the state will not receive the support they need to get job training and education to get back to work.

10. HECC's inability to continue its important work under its existing federal grants, even over the short term, will have broad negative consequences across the state that cannot be repaired. Without access to these grant funds, HECC and its subgrantees would need to cease the majority of our essential job training and business services, impacting job-seekers' ability to find quality employment and employers' ability to find the qualified workers they need to contribute to Oregon's economy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 4, 2025, at Salem, Oregon.



TOM RIEL